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September 19, 2006

**VIA ELECTRONIC FILING**

The Honorable Gregory M. Sleet  
United States District Court  
844 North King Street  
Lock Box 19  
Wilmington, DE 19801

**RE: Talecris Biotherapeutics, Inc. & Bayer Healthcare LLC v. Baxter International, Inc. and Baxter Healthcare Corp., C.A. No. 05-349-GMS**

Dear Judge Sleet:

In anticipation of the discovery teleconference scheduled for Thursday, September 21, 2006, the parties submit the following items that they wish to present:

**Plaintiffs' Issues**

On September 7, 2006, the Court conducted a discovery teleconference with the parties and on September 8, 2006, the Court issued an Order finding subject matter waiver of privilege as it relates to anticomplementary activity and solvent/detergent treatment and related experiments. Depositions were conducted in Belgium from September 13 to 18, 2006 and a dispute arose over the scope of the Court's order and a similar subject matter waiver related to another issue, specifically ionic strength. Accordingly, counsel for Plaintiffs have requested a discovery teleconference with the Court.

**Defendants' Issues**

Issues relating to the scheduling of depositions.

Respectfully submitted,

*Jaclyn Mason (#4737)*  
*on behalf of Mary Bourke*

JBB/dch

Mary W. Bourke (#2356)

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